

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MONIQUE DOSS, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:09CV00038-MPM-DAS

**NPC INTERNATIONAL, INC.,
Doing Business As Pizza Hut, ET AL.**

DEFENDANTS

ORDER

Before the court is the defendant's motion to consolidate this case with Cause No. 4:09cv-00076-WAP-DAS (# 15). The court has considered the submissions of the parties, the record, and the applicable law and finds the motion should be denied.

The defendant seeks to consolidate this case with case No. 4:09cv00076 on the ground that the actions are virtually identical. The plaintiffs in case No. 4:09cv00076 filed a motion to remand on August 11, 2009. The remand issue in that case centers around the amount in controversy. The plaintiffs in this case filed a motion to remand on April 21, 2009, and the case has been stayed pending a ruling on said motion since April 24, 2009. The remand issue in this case is fraudulent joinder of a defendant. In light of the postures of these cases and the fact that different remand issues are currently under consideration by different district judges, the motion should be, and the same is **DENIED**, at least at this point in the proceedings. The defendant may re-file the instant motion should the court determine that it has jurisdiction over both cases.

SO ORDERED this, the 17th day of September, 2009.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE